



STATUTORY INSTRUMENTS

**S.I. No. 153 of 2009**



COURTS-MARTIAL (LEGAL AID) (AMENDMENT) REGULATIONS  
2009

**(Prn. A9/0582)**

COURTS-MARTIAL (LEGAL AID) (AMENDMENT) REGULATIONS  
2009

I, WILLIE O'DEA, Minister for Defence, in exercise of the powers conferred on me by section 33 of the Courts-Martial Appeals Act 1983 (No. 19 of 1983) and, in so far as these Regulations are in relation to rates or scales of payment of fees, costs or expenses payable out of monies provided by the Oireachtas pursuant to legal aid certificates, with the consent of the Minister for Finance, hereby make the following regulations:

1. (1) These Regulations may be cited as the Courts-Martial (Legal Aid) (Amendment) Regulations 2009.

(2) These Regulations shall come into operation on 27 April 2009.

(3) The Courts-Martial (Legal Aid) Regulations 2008 (S.I. No. 206 of 2008) and these Regulations may be cited together as the Courts-Martial (Legal Aid) Regulations 2008 and 2009.

2. In these Regulations "Principal Regulations" means the Courts-Martial (Legal Aid) Regulations 2008.

3. Regulation 11 of the Principal Regulations is amended—

(a) in paragraph (2) by substituting the following subparagraph for subparagraph (a):

“(a) The fees (payable under the Principal Act) of a solicitor assigned in relation to any particular case pursuant to—

(i) a legal aid (preliminary proceedings) certificate,

(ii) a legal aid (court-martial) certificate, or

(iii) a legal aid (case stated) certificate,

the grant of which did not entitle the person to whom the certificate was granted to have counsel assigned to him or her in relation to that case shall be, from 27 April 2009, those set out at Item 1 of Part 1 of Schedule 4 (as amended by these Regulations).”, and

(b) in paragraph (2) by substituting the following subparagraph for subparagraph (c):

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 28th April, 2009.*

“(c) There shall, from 27 April 2009, be paid to a solicitor, assigned in relation to any particular case pursuant to a legal aid certificate to which subparagraph (a) applies, a fee in lieu of fees provided for in Part 1 of Schedule 4 (as amended by these Regulations) for the first day of a hearing involving one accused person and the first accused person in cases involving more than one accused person, which the Minister, after consultation with the Attorney General, decides is an exceptional case, a fee set out at Item 1 of Part 3 of Schedule 4 (as amended by these Regulations).”.

4. Regulation 14 of the Principal Regulations is amended by substituting the following paragraph for paragraph (a):

“(a) there shall, from 27 April 2009, be paid under the Principal Act in respect of each such visit, a fee set out at Item 1 of Part 2 of Schedule 4 (as amended by these Regulations), and”.

5. The Principal Regulations are amended by substituting the Schedule set out in the Schedule to these Regulations for Schedule 4 to the Principal Regulations.

#### SCHEDULE

*Regulation 5.*

“SCHEDULE 4

*Regulation 11.*

#### SOLICITOR’S FEES

##### *Part 1*

Fee in respect of accused person where only one accused person represented and in respect of first accused person where solicitor assigned in respect of more than one accused person

Item (1)	First day of hearing (2)	Each subsequent day (3)
1. From 27 April 2009	€486.72	€121.72

*Part 2**Regulation 14.*

Fee in respect of each essential visit to person in custody

Item (1)	Fee (2)
1. From 27 April 2009	€117.41

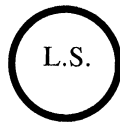
*Part 3**Regulation 11.*

Fees payable for exceptional cases

Item (1)	Fee (2)
1. From 27 April 2009	€730.08

”.

The Minister for Finance consents to the making of the foregoing Regulations in so far as they are in relation to rates or scales of payment of fees, costs or expenses.



GIVEN under the Official Seal of the Minister for Finance,  
24 April 2009

BRIAN LENIHAN,  
Minister for Finance.



GIVEN under my Official Seal,  
24 April 2009

WILLIE O'DEA,  
Minister for Defence.

EXPLANATORY NOTE

*(This is not part of the Instrument and does not purport to be a legal interpretation)*

These Regulations prescribe the fees payable under the Courts Martial Legal Aid Scheme to solicitors assigned to any particular case pursuant to a legal aid certificate in certain cases to persons charged with, or convicted of, offences against military law; to solicitors assigned pursuant to a legal aid certificate or certificates in respect of essential visits to a prison, detention barrack or other custodial centre; and for fees payable to solicitors assigned pursuant to a legal aid certificate which the Minister, after consultation with the Attorney General, decides is an exceptional case.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
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